

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Review of Part 15 and Other Parts of the)	ET Docket No. 01-278
Commission's Rules.)	RM-9375
)	RM-10051
)	

To: The Commission

**COMMENTS
OF UNIDEN AMERICA CORPORATION**

1. Uniden America Corporation ("Uniden"), by its attorneys, hereby submits its Comments in response to the Notice of Proposed Rule Making and Order released by the Commission on October 15, 2001 in the above-referenced rulemaking proceeding, *In the Matter of Review of Part 15 and Other Parts of the Commission's Rules*, FCC 01-290, ET Docket 01-278, RM-9375 and RM-10051 ("NPRM").¹ Among other things, the NPRM proposes to subject radar detectors to emission limits in order to prevent interference to very small aperture satellite terminals ("VSATs"). Although Uniden is cognizant that it may be necessary to set emission limits for receivers that tune above 960 MHz in order to minimize the possibility of interference to VSATs, Uniden urges the Commission to heed the principle that spectrum management issues are best addressed by establishing governing policies rather than on an *ad hoc* basis to avoid imbalanced and inconsistent band regulations adopted product by product. In support thereof, Uniden respectfully submits the following for the Commission's consideration:

¹ The NPRM set 75 days from the date of publication of the NPRM in the Federal Register as the due date for filing comments. The NPRM was published in the Federal Register on November 27, 2001. 66 Fed. Reg. 59209 (2001). Accordingly, the instant Comments are timely filed.

RADAR DETECTORS

2. Recognizing that there is a finite supply of spectrum and the demand for spectrum is expected to continue to increase, the Commission must adopt spectrum management policies that promote the most efficient use of spectrum by all users. This principle should be recognized even for bands that have assignments for primary use, acknowledging that reasonable allowances must be made to accommodate secondary and unlicensed status users on a reasonably non-interfering basis. To some extent, the current system of designating spectrum bandwidth for specified licensed services is counterproductive to the Commission's goal of promoting the most efficient use of spectrum. The current system provides an incentive for primary and secondary users to protect their exclusive right to use the designated spectrum (by alleging potential interference complaints, for example), rather than encouraging investment and discovery of spectrum efficient technology that would permit multiple uses of a particular segment of spectrum.

3. Recognizing that there is not enough spectrum to meet the demands of all existing and future users, one method of achieving efficient use of spectrum is for the Commission to encourage spectrum sharing, even in bands with primary user assignments. A particular segment of spectrum often may be shared compatibly by multiple users if the Commission mandates technical cooperation among users. In many instances, multiple users could co-exist interference free if more sophisticated engineering solutions are sought and adopted by the users. This approach is buttressed by the Commission's conclusions at paragraph 10 of the NPRM:

Above 960 MHz, the emissions generated by radio receivers tend to be more directional and the propagation losses are higher. There is less probability of such receivers causing interference, so the rules have not required receivers that tune above 960 MHz to meet the emission limits or to receive an equipment authorization. Historically, these rules have generally worked well.

Wherever possible, the Commission should continue and foster expansion of this policy, without impeding on the reliability of the primary user's service.

4. Moreover, if the Commission is going to set emissions limits for unlicensed devices operating above 960 MHz, it should do so in a neutral manner. Given that there is no definitive way to identify future unlicensed devices that may operate above 960 MHz and whether such devices will cause potential interference to a particular frequency band, the Commission should set a reasonable emissions standard for all unlicensed devices operating above 960 MHz and apply that standard to all frequency bands. In that way, every beneficiary of a new primary assignment will know what rejection standard it must build to unintentional radiators and others who can meet the standard will be able to expand the universe of useful devices available to the consuming public. Singling out radar detectors, however, as the only unlicensed receiver that tunes above 960 MHz to be subject to an emissions limit that applies only to the VSAT bands (12 and 14 GHz bands), merely addresses one potential interference issue among two uses (radar detectors and VSATs) without addressing future issues or establishing a policy useful to the variety of devices that may be in the offing. The adoption of a universal emissions standard for all unlicensed devices operating above 960 MHz that is applicable to all frequency bands is more equitable and more likely to promote innovation by manufacturers of unlicensed devices because it will provide certainty to existing as well as future manufacturers of such unlicensed devices by setting forth a definitive technical standard. Approaching the issue on an after the fact, *ad hoc* basis will only stifle innovation due to fear that a particular product may not survive an after-the-fact rulemaking proceeding.

DECLARATION OF CONFORMITY LABELING

5. With reference to Declaration of Conformity (DoC) Labeling, Uniden agrees with the conclusion that the current Class B labeling requirement is unnecessary and with the recommendation that it be discarded since Class B computing devices can be used anywhere. Moreover, Uniden urges the Commission to continually monitor radio frequency devices that operate under the Commission's equipment certification rules to determine whether they have should now be qualified for the DoC procedure.

EXEMPTION FOR VERY LOW-POWERED DEVICES

6. At paragraph 34, the Commission proposes to provide an exemption from the FCC's equipment authorization rules for devices that operate at extremely low power levels. This proposal was made by Philip Inglis, a respected engineer with many years of experience in assuring radio frequency protection between potentially interfering devices. Uniden agrees with Mr. Inglis' recommendation and the tentative conclusion of the Commission staff that such devices have such an a low potential for providing objectionable interference that they should be granted an exemption from the rules requiring certification and that the current requirement represents an unreasonable burden on manufacturers. Should any party raise a factual circumstance that creates any doubt of that conclusion then, at the very least, the Commission should reclassify such devices as eligible for the DoC process, which would be less burdensome and therefore more desirable to the FCC suggested verification process.

FAMILY RADIO SERVICE EQUIPMENT MEASUREMENTS

7. Uniden agrees with the Commission recommendation that the rules applied to testing of Family Radio Service (FRS) transmitter stability measurement should be modified to specify that they be made from -20°C to +50°C. The rules should be brought current with the prevailing

practice in at the FCC laboratory. As a matter of fact, the -30°C standard was actually intended for a different type of radio, the General Mobile Service (GMRS) radio, and as the Commission notes, has been specified for FRS radios only because of an anomaly in the rules. We now have years of actual experience with FRS radios being tested to only -20°C, with no adverse consequences being observed in the real world of the user community.

IN SUMMARY, Uniden recommends:

8. That if the Commission acts in connection with unintentional radiators above 960 MHz, it adopt a spectrum policy that encourages efficient and compatible sharing of all spectrum and therefore acknowledge that even primary users of spectrum must make a reasonable engineering effort to accommodate others on a non-interfering basis. This standard should be applied to all primary allocations. Particular devices should not be singled out for disparate treatment. Once a broad policy has been established, it should be applied to radar detectors and other unintentional radiators so that no one type of device is subjected to *ad hoc* harsher treatment than other types of secondary devices.

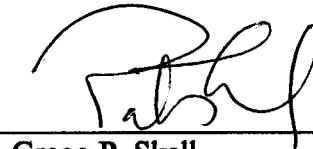
9. Extremely low power devices should be exempted from the certification process, while their manufacturers are still held accountable for compliance with FCC emission standards. Moreover, the Commission should continually monitor devices currently operating under the Certification rules, and where prudent, they should be moved into the DoC procedure.

10. Finally, the rules applied to testing of Family Radio Service (FRS) transmitter stability measurement should be modified to specify that they be made from -20°C to +50°C.

Respectfully Submitted:

UNIDEN AMERICA CORPORATION

By: _____



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